

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Final Office Action dated January 17, 2007 wherein: (1) claims 1, 2, 4, 9-11, and 13-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Brothers* (U.S. 2003/0121659) (“*Brothers*”); (2) claims 3, 5, 7, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of *Krishanan* (U.S. 5,900,451) (“*Krishanan*”); and (3) claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of *Griffith et al.* (U.S. 6,448,206) (“*Griffith*”).

Status of the Claims

Claims 1 and 8 are currently amended.

Claims 7, and 17-35 have been canceled.

Claims 2-6 and 9-16 are in their original form.

Claims 1-6, and 8-16 are currently pending in this application.

Rejections under 35 USC § 102(e)

As evidenced by the Final Office Action’s bases for rejecting claims 1-16 of the instant application, claim 7 is not anticipated by *Brothers*. See Final Office Action at 5 (“*Brothers* is silent as to whether the colloidal stabilized latex remains substantially stable in the presence of salt”). Based on the reasoning of the Final Office Action, Applicants have inserted the substance of claim 7 into the newly amended claim 1 and have canceled claim 7. As such, *Brothers* does not anticipate the newly amended claim 1 or its dependent claims 2-6, and 8-16.

Rejections under 35 USC § 103(a)

Claims 3, 5, 7, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of *Krishanan*. Similarly, claim 6 was rejected under 35 U.S.C. § 103(a)

as being unpatentable over *Brothers* in view of *Griffith*. Pursuant to M.P.E.P. § 706.02(1)(2)(II),

Applicants state:

The instant application and *Brothers* were, at the time the invention of the instant application was made, owned by, or subject to an obligation of assignment to, Halliburton Energy Services, Inc.

See id. (“This statement alone is sufficient evidence to disqualify [*Brothers*] from being used in a rejection under 35 U.S.C. 103(a) against the claims of [the instant application].”).

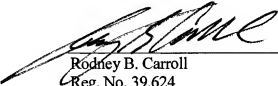
Accordingly, *Brothers* is disqualified as prior art under 35 U.S.C § 103(c). *See* 35 U.S.C. § 103(c)(1); *see also* M.P.E.P. § 706.02(1)(1)(I); and M.P.E.P. § 804 (III) (“For applications pending on or after December 10, 2004, rejections under 35 U.S.C. 102(e)/103(a) should not be made or maintained if the reference is disqualified under 35 U.S.C. 103(c) as prior art in a 35 U.S.C 103(a) rejection.”). Based on the foregoing, claims 1-6 and 8-16 are now in condition for allowance.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by the Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated January 17, 2007 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

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